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Medical & Clinical Services Fund

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FREDERICK FISHER,

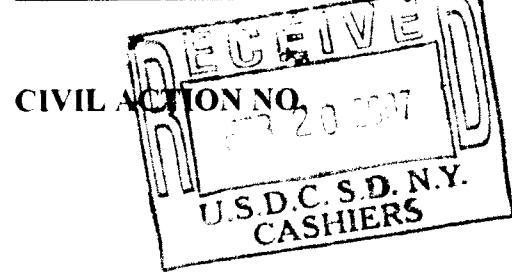
Plaintiff,

- vs. -

NYSA-ILA MEDICAL AND CLINICAL
SERVICES FUND,

Defendant.

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NOTICE OF REMOVAL



**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Defendant NYSA-ILA Medical and Clinical Services Fund ("Fund") respectfully submits the following in support of the removal of this action to this court:

1. The Fund is a Taft-Hartley labor-management trust fund composed of an equal number of labor and management trustees and is a multiemployer employee benefit welfare plan within the meaning of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1001 *et seq.* The Fund was established and is maintained in accordance with the provisions of collective-bargaining agreements entered into between New York

Shipping Association, Inc. ("NYSA") (the multiemployer bargaining association in the longshore industry in the Port of New York and New Jersey) and the International Longshoremen's Association, AFL-CIO ("ILA") (the union representing longshoremen, clerks, checkers, maintenance personnel and other related classifications of waterfront labor employed by NYSA's members in the Port of New York and New Jersey). The Fund is maintained and operated in accordance with its Agreement and Declaration of Trust and Plan and applicable law. The Fund has its office and principal place of business at 45 Broadway - 5th Floor, New York, New York 10006. The Fund provides dental benefits to eligible participants of the Fund and their eligible dependents.

2. The Notice of Claim and Summons to Appear asserts that Plaintiff Frederick Fisher resides at 1498 Third Avenue, New York, New York 10028.

3. On February 6, 2007, the Fund received a copy of a Notice of Claim and Summons to Appear issued out of the Civil Court of the City of New York, County of New York, under Index Number NSC 20038/07-2. A true copy of the Notice of Claim and Summons to Appear is annexed hereto as Exhibit A.

4. There have been no other proceedings in the state court action.

5. The Notice of Claim and Summons to Appear asserts that "[t]he Claimant asks Judgment in this court for \$3000.00 together with interest and disbursements on the following claim: ACTION TO RECOVER MONIES ARISING OUT OF NONPAYMENT FOR SERVICES RENDERED. DATE OF OCCURRENCE: 10-30-2006."

6. This court has subject-matter jurisdiction over this action pursuant to ERISA § 502, 29 U.S.C. § 1132, because plaintiff is seeking to recover benefits from the Fund.

7. The court has venue over this action in accordance with 28 U.S.C. § 1441.
8. This Notice of Removal is timely because in accordance with 28 U.S.C. § 1446(b) it has been filed within 30 days from the date on which the Fund received a copy of the Notice of Claim and Summons to Appear.

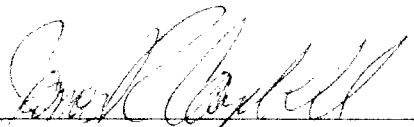
WHEREFORE, the NYSA-ILA Medical and Clinical Services Fund respectfully avers that this action has been properly removed to this court.

Dated: New York, New York
February 20, 2007

Respectfully submitted,

THE LAMBOS FIRM

By



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TO: Frederick Fisher
1498 Third Ave
New York, New York 10028
Plaintiff

Clerk of the Court
Civil Court of the City of New York
Small Claims Court
111 Centre Street, Room 322
New York, New York 10013-4389
Index No. NSC 20038/07-2

CIVIL COURT OF THE CITY OF NEW YORK
SMALL CLAIMS PART
111 CENTRE STREET - RM. 322
NEW YORK, NY 10013-4389

NOTICE OF CLAIM

The Claimant asks Judgment in this court for together with interest and disbursements, on the following claim:

C1 V-3C-J2 Face (3/0.1)

A Guide to Small Claims Court is available at the court listed above.

DO YOU HAVE A CASE AGAINST YOU, THE INFORMATION PROVIDED HEREIN IS NOT A SUBSTITUTE FOR THE LAWYER'S ADVICE ON THE LAWSUIT.

On or before a date agreed to the Chairman, you may bring a "Counterclaim" as you or the other party may desire. The Clerk will send the notice of your Counterclaim by File Copy or certified mail to the Plaintiff or their attorney. You should be prepared to provide your Counterclaim within the five (5) day period mentioned above. At this time, the Chairman may request and obtain an adjustment of the date of the hearing to accommodate the Plaintiff's or your convenience. The Chairman is responsible for information about filing a "third-party action.

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